



Reading and Interpreting International Trade Agreements:

Case study of the AfCFTA

tralac Short Course

19 – 22 March 2024

Background

Trade agreements are treaties of a specific kind; they regulate cross-border trade between two or more nations. These agreements establish trade-related rights and obligations for the State Parties and provide for additional matters such as the establishment of institutions and their powers. Unlike traditional trade agreements which cover trade in goods only, modern trade agreements cover a range of additional trade-related disciplines such as trade in services, dispute settlement, investment, intellectual property rights, competition policy, electronic commerce, trade and gender, sustainable development, and public procurement, among others. The African Continental Free Trade Area (AfCFTA) is an example of a new generation trade agreement covering, in addition to trade in goods, trade in services, investment, competition policy, intellectual property rights, digital trade, and women and youth in trade.

Trade agreements are, as a rule, not self-executing. They must be implemented through domestic measures taken by state organs in the State Parties. Customs administration is a typical example for trade in goods. National regulators perform the required domestic tasks in respect of trade in services.

While disputes about trade agreements must be settled by the State Parties (private parties do not normally enjoy standing before international courts or tribunals), private parties and firms may approach domestic courts for judicial review and other public law remedies available under the law of the land. Trade remedies (regarding anti-dumping & countervailing measures) and safeguards are increasingly important. Private parties may also, if provided for in the legal instruments of regional trade arrangements (such as the East African Community), enjoy standing before Regional Courts and Tribunals.

There are several reasons for offering courses dealing with the legal instruments underpinning trade and integration initiatives. Multilateral and regional trade agreements are of growing importance but are specialised legal instruments with their own logic and terminology. They need to be interpreted to be implemented as intended on inter-state and intra-state levels. This course will cover the basic principles, the scope, coverage, and structure of international trade agreements. African countries have concluded trade agreements, not only with other African countries, but also with some global trade partners. In the context of Africa's trade and integration agenda, we will focus specifically on the AfCFTA in Module 2.

Course Structure

The course consists of two modules. Module 1 will be presented on 19-20 March 2024, and Module 2 on 21-22 March 2024. Each module is made up of four sessions, with two sessions per day: a morning session of 120 minutes and an afternoon session of 90 minutes. Additional time will be needed for preparation and reading.

Module 1

The first module will be structured to accommodate participants without a background in public international law and international trade law. This module will cover basic principles and foundations of international trade law and situate the discussion in the context of Africa's multilateral, continental and regional trade governance agenda.

Module 2

In the second module we will analyse the legal instruments of the AfCFTA and relate their content to continental integration policies and arrangements, including the Regional Economic Communities (RECs). Dispute settlement issues will also be explained.

Course Outline

Module 1: 19-20 March 2024

This module will start with a brief background to why and how nations trade, trade agreements and their effects, types of trade agreements (bilateral, regional, plurilateral and multilateral) as well as their nature and effects. This module will also focus on how trade agreements are negotiated, how they enter into force, and how they are applied at both national and international levels. We will look at how trade agreements are interpreted with a view to determining legally binding provisions, obligations or best endeavours. The module will also provide an understanding of how trade agreements are amended.

Matters of substance will be explained, such as trade in goods and services principles, economic integration, standards and trade remedies.

Rules of treaty interpretation will be covered – including the Vienna Convention on the Law of Treaties, international trade judgments/decisions, and illustrations from practical examples.

Module 2: 21-22 March 2024

This module will examine:

The legal instruments of the African Continental Free Trade Area: The Agreement establishing the African Continental Free Trade Area, the Protocol on Trade in Goods (with its Annexes), the Protocol on Trade in Services, and the Protocol on Dispute Settlement. We will also focus on Phase 2 (Competition Policy, Investment, Intellectual Property Rights) and Phase 3 (Women and Youth in Trade, and Digital Trade) agendas.

Practical Arrangements

- The sessions will take place on Zoom. Participants will be required to register in advance.
 - A course outline and background reading materials will be provided. These should be read ahead of time to follow the discussions and to participate in the live sessions.
 - The sessions will be interactive, requiring prior preparation.
 - Candidates who have satisfactorily completed the course (including a case study), will receive a tralac Certificate of Completion.
 - **25 participants will be accepted for the Course.**
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To apply

Send your CV and a brief motivation (100 words) to info@tralac.org

Closing date: 8 March 2024